

HOUSE BILL REPORT

SSB 6324

As Passed House:

March 4, 2008

Title: An act relating to liability immunity for aerial search and rescue activities managed by the department of transportation.

Brief Description: Providing liability immunity for aerial search and rescue activities managed by the department of transportation.

Sponsors: By Senate Committee on Transportation (originally sponsored by Senators Sheldon, Haugen and Shin).

Brief History:

Committee Activity:

Judiciary: 2/26/08 [DP].

Floor Activity:

Passed House: 3/4/08, 95-0.

Brief Summary of Substitute Bill

- Provides liability immunity for all persons registered with the Aviation Division of the Department of Transportation who are engaged in aerial search and rescue activities.
- Clarifies that the new immunity provision does not affect activities conducted under authority of the Militia and Military Affairs laws.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Sarah Silbovitz (786-7119) and Lara Zarowsky (786-7123).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Aviation Division of the Department of Transportation (Aviation Division) is responsible for all aerial search and rescue activities within Washington. The search and rescue responsibilities include electronic emergency signaling devices such as emergency locator transmitters (ELTs) and emergency position indicating radio beacons (EPIRBs).

In 2007 the Legislature passed HB 1073 providing immunity from liability for certain volunteer emergency workers while engaged in emergency management activities, including search and rescue activities. However, this immunity was provided only to those volunteers managed by a local emergency management organization or the state Military Department, and did not specifically cover aerial search and rescue personnel managed by the Aviation Division.

The Aviation Division is not responsible for search and rescue activities found in the emergency management chapter which is in the Militia and Military Affairs laws.

Summary of Bill:

Persons registered with the Aviation Division, and engaged in aerial search and rescue activities managed by the Aviation Division, are immune from liability for civil damages resulting from any act or omission of such activities. The immunity does not apply to any act or omission that constitutes gross negligence or willful or wanton misconduct. Aerial search and rescue activities include, but are not limited to, training and training-related activities, but do not include search and rescue activities as defined in the Militia and Military Affairs laws.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) The volunteer emergency workers providing aerial search and rescue activities are the only first responders who currently do not have limited liability protection. The volunteers' assets are at risk if someone were to sue them. This bill simply extends the liability immunity to a group of people who were intended to be included in the bill from last year.

(Opposed) None.

Persons Testifying: Al Banholzer; Tom Nesko; Gary Evans and Tom Jensen, Washington Association of Air Rescue; John Silbold, Washington State Department of Transportation Aviation Department; and Linda Crerar, Military Department of Emergency Management Division.

Persons Signed In To Testify But Not Testifying: None.